

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

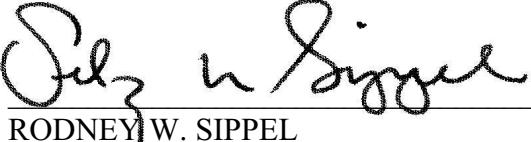
MEMORANDUM AND ORDER

On January 26, 2009, I granted defendants' motion for summary judgment and dismissed plaintiff's complaint with prejudice as time-barred. Plaintiff now seeks reconsideration of this Order, arguing that he did not get notice of a Show Cause Order issued in August of 2008. Plaintiff also asks for the Court to appoint a lawyer to represent him. I will deny plaintiff's motion for reconsideration as he has presented no basis for relief. Even if plaintiff did not get notice of the Show Cause Order issued in August of 2008, his case was not dismissed because he did not comply with it. That Order -- along with all other documents from the Court -- was mailed to plaintiff's address of record. It is undisputed that plaintiff actually received the subsequent September 19, 2008, Order to Show Cause, which was mailed to the same address, because plaintiff appeared for the hearing set by that Order. As a result of that hearing, I actually denied defendants' motion to strike plaintiff's complaint for failing to participate in discovery. Therefore, plaintiff was not prejudiced in the prosecution of his case based on any alleged failure to receive documents. I granted summary judgment to defendants because plaintiff's complaint was time-barred. Plaintiff responded to the motion for summary judgment, but his opposition presented no genuine issue of material fact that would preclude entry of judgment as a matter of

law in defendants' favor. In the present motion, plaintiff makes no legal or factual arguments that convince me that my decision was in error. Accordingly, plaintiff's motion for reconsideration and motion for appointment of counsel will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to appoint counsel and motion for reconsideration [#42] are denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 13th day of October, 2009.